S.B.CIVIL WRIT PETITION NO.2535/2007

Vipul
V.
State Bank of Bikaner & Jaipur & Ors.

Date of Order :: 4th October, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Vinay Jain, for the petitioner.

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By this petition for writ a direction is sought in following terms:-

> "(a)by an appropriate writ, order or direction the respondents may kindly be directed that the agricultural land of the petitioner not be auction without following the procedure of law;
>
> (b)by an appropriate writ, order of direction the respondent No.1 may kindly be directed not to charge panel and compound interest on the loan amount."

In brief, facts of the case are that to purchase a tractor loan in a tune of Rs.2,60,000/- was advanced to the petitioner on 30.6.1998 and repayment of that was to be made in six monthly instalments of Rs.15,000/- with interest. The petitioner failed to satisfy regular payment as per instalments fixed,

thus, proceedings were initiated under Rajasthan Agriculture Credit Operation (Removal of Difficulties) Act, 1974 (hereinafter referred to as “the Act of 1974”).

This Court by order dated 18.5.2007 called for the record of the case pending before the Sub Divisional Officer, Tibbi under the Act of 1974. From perusal of the record available it reveals that the petitioner submitted an application on 22.2.2007 before the Tehsildar Tibbi to allow some time to him to make payment of dues. The application aforesaid was forwarded to the Sub Divisional Officer Tibbi. No order was passed on the application aforesaid and a proclamation for auction was issued on 3.5.2007. No auction has yet taken place as the record of case was sent to this Court. From the application dated 22.2.2007, it is apparent that the petitioner sought some time in specific terms upto 25.5.2007 to satisfy the demand and that period has already been expired. On asking, counsel for the petitioner stated that yet the dues have not been satisfied by the petitioner. Be that as it may, as the proceedings of auction has been deferred by the respondents themselves, thus, it shall be appropriate to allow a month's opportunity to the petitioner to satisfy the demand.

Accordingly, this petition for writ is disposed of with a direction to the respondents not to

proceed with the auction of the immovable property of the petitioner if the petitioner satisfies the demand on or before 14.11.2007.

No order to costs.

(GOVIND MATHUR),J.

Kkm/ps.